

REMARKS

Applicants have carefully reviewed the Application in light of the Office Action mailed September 20, 2005. At the time of the Office Action, Claims 1-47 were pending in the Application. Applicants respectfully request reconsideration of the pending claims and favorable action in this case.

In The Specification

The Examiner objects to the specification because the Abstract includes the title of the Application. *Office Action*, p. 2. Applicants amend the Abstract. Accordingly, Applicants respectfully request reconsideration and acceptance of the Abstract.

Section 103 Rejection

The Examiner rejects Claims 1-33 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2004/0248583 A1 issued to Satt et al. (hereinafter “*Satt*”) in view of U.S. Patent No. 6,928,304 B2 issued to Wigell et al. (hereinafter “*Wigell*”). “To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.” M.P.E.P. §706.02(j) (citing *Ex parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. & Inter. 1985)). Applicants respectfully submit that the Examiner does not present either to support the rejections under 35 U.S.C. § 103(a).

Applicants respectfully submit that the combination fails to disclose, teach, or suggest each limitation recited in Applicants’ claims. The Examiner states that *Satt* “does not explicitly show holding post-sector change packets for the mobile device until pre-sector-change packets have been emptied from the class of service queues.” *Office Action*, p. 3. The Examiner instead relies on *Wigell*. *Office Action*, p. 3. However, Applicants assert that *Wigell* does not disclose, teach, or suggest “holding post-sector-change packets for the mobile device until pre-sector-change packets have been emptied from the class of service queues.” Instead, *Wigell* provides for “transmit[ting] the [protocol data units] to all [base stations] belonging to the active [soft handover] link set.” Col. 5, ll. 58-59. Therefore, *Satt* and

Wigell, alone or in combination, fail to disclose, teach, or suggest at least this limitation. Accordingly, Applicants respectfully request reconsideration and allowance of independent Claim 1 and its dependents.

Independent Claims 12 and 23 each recite certain limitations that, for reasons substantially similar to those discussed with reference to independent Claim 1, *Satt* and *Wigell*, alone or in combination, do not disclose, teach, or suggest. Therefore, Applicants respectfully request reconsideration and allowance of independent Claims 12 and 23 together with their dependents.

Allowable Subject Matter

Applicants appreciate the Examiner's allowance of Claims 34-47. *Office Action*, p. 6. The Examiner provides a statement of reasons for the indication of allowable subject matter. *Office Action*, p. 6. Pursuant to 37 C.F.R. § 1.104, Applicants respectfully issue a statement commenting on the Examiner's reasons for the indication of allowable subject matter. Applicants respectfully disagree with the Examiner's reasons for allowance to the extent that they are inconsistent with applicable case law, statutes, and regulations. Furthermore, Applicants do not admit to any characterization or limitation of the claims, particularly any that are inconsistent with the language of the claims considered in their entirety and including all of their constituent limitations or to any characterization of a reference by the Examiner. Applicants have shown all pending claims to be allowable and respectfully request reconsideration and allowance of the pending claims.

CONCLUSION

Applicants have now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicants respectfully request reconsideration and allowance of the pending claims.

Applicants believe that no fees are due. However, if this is not correct, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicants invite the Examiner to contact its attorney, Barton E. Showalter, at (214) 953-6509.

Respectfully submitted,
BAKER BOTT S L.L.P.
Attorneys for Applicants


Barton E. Showalter
Reg. No. 38,302

Date: December 9, 2005

Customer No. **05073**